

REMARKS

Claims 23, 25, 26 and 31 are amended as indicated above, and claims 27-30 and 32-35 are canceled. Following entry of the present amendment, claims 23-26, 31 and 36-38 will be pending. Support for the amendments can be found in the specification and claims as follows:

Claim 23 has been amended to provide explicit recitations for the substituents on the thienyl moiety "A" (see dependent claim 24) and the phenylene moiety "W" (see dependent claim 24). The "E" portion has been amended to advance prosecution by eliminating terms such as "heteroaryl". Applicants reserve the right to pursue the excised subject matter in a subsequent continuation or divisional application. The $-C(O)NHR^3$ and $-C(=NH)NHCH_3$ substituents added to the recitation for X^1 , X^2 and X^3 are supported by substituents in compounds 56, 57, 61, 64, 65, 110, 111, 115, 118, 119, 214, 215, 219, 222, 223, 769, 770, 784, 787, 788, 833, 834, 838, 841 and 842 (see claim 25). The recitations of fused and non-fused heterocycles as X^1 , X^2 and X^3 are supported by substituents in compounds 60, 67-69, 72-74, 120, 122, 123, 224, 226, 227, 230-232, 432, 434, 500, 502, 789-792, 795-797 and 843-846 (claim 25, for fused heterocycles), and in compounds 71, 125, 229, 378, 397, 399, 412, 431, 433, 480, 499, 501, 794 and 848 (claim 25, for non-fused heterocycles). Further amendment to claim 23 is provided to include those dialkylaminoalkyl moieties in which the terminal amino group is part of a pyrrolidine, piperidine or morpholine ring (see, for example, claim 25 compounds 64, 65, 118, 119, 222, 223, 394, 395, 396, 401-403, 428-430, 435-437, 496-498, 503-505, 787-788 and 841-842). Accordingly, Applicants believe no new matter is present in any portion of the current amendment.

The amendments to claims 26 and 31 are presented at the request of the Examiner.

Request for New Oath/Declaration

Turning now to the Examiner's action (Paper No. 12, mailed July 14, 2003), Applicants provide herewith a new oath as requested by the Examiner.

Rejection of Claims 23-38 Under 35 USC §112, Second Paragraph

Appl. No. 09/920,325
Amdt. dated November 13, 2003
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1624

PATENT

Claims 23-38 stand rejected under 35 USC § 112, second paragraph for use of the terms "heteroaryl," "heterocyclic," "substituted" and "prodrug". Applicants have amended the claims to advance prosecution of this application, focusing specifically on the substituents noted in dependent claims and in compounds found in the specification and respectfully urge reconsideration.

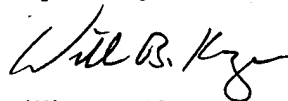
The Examiner has further noted that claims 26-30 are substantial duplicates of one another, as are claims 31-35. In the interest of expediting prosecution, Applicants have canceled claims 27-30 and 32-35.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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